

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:93CR27
)	
v.)	
)	
SHANNON E. WILLIAMS,)	ORDER
)	
Defendant.)	
)	

This matter is before the court on defendant's motion for reconsideration of his sentence. Filing No. 602. Defendant contends that the federal sentencing court erred in giving him enhancements for consecutive sentences he allegedly received in Nevada state court. Defendant argues that the sentence he received in Nevada was concurrent and not consecutive which would have reduced the time he received from the enhancement in his federal court sentence. Defendant attaches a letter from David Roger, a Clark County District Attorney, dated January 25, 2005, which indicates that defendant's sentences in Nevada were ordered to run concurrently. Filing No. 595, Attachment of David Roger.

The court has carefully reviewed the request by the defendant. It appears that in February 2005, defendant filed a motion for habeas relief pursuant to 28 U.S.C. § 2255. Filing No. 595. The Eighth Circuit determined that this motion was successive and denied defendant's application to file the habeas motion, apparently with knowledge of the fact that defendant did not receive confirmation from the State of Nevada until January 2005 that his sentences were concurrent rather than consecutive. See Filing No. 607; Filing No. 595, Attachment from David Roger. Because the Eighth Circuit reviewed this issue in

conjunction with the habeas petition and found it to be without merit, the court will deny defendant's motion for reconsideration.

THEREFORE, IT IS ORDERED that defendant's motion for reconsideration, Filing No. 602, is denied.

DATED this 23rd day of November, 2005.

BY THE COURT:

s/ Joseph F. Bataillon _____
JOSEPH F. BATAILLON
United States District Judge